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Exhibit R-2, RDT&E Budget Item Justification: PB 2011 Office of Secretary Of Defense									DATE: February 2010		
APPROPRIATION/BUDGET ACTIVITY 0400: Research, Development, Test & Evaluation, Defense-Wide BA 2: Applied Research				R-1 ITEM NOMENCLATURE PE 0602228D8Z: Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)							
COST (\$ in Millions)	FY 2009 Actual	FY 2010 Estimate	FY 2011 Base Estimate	FY 2011 OCO Estimate	FY 2011 Total Estimate	FY 2012 Estimate	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate	Cost To Complete	Total Cost
Total Program Element	4.527	66.553	15.067	0.000	15.067	15.245	15.431	15.716	16.007	Continuing	Continuing
P489: Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)	4.527	66.553	15.067	0.000	15.067	15.245	15.431	15.716	16.007	Continuing	Continuing
A. Mission Description and Budget Item Justification											
The Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) program provides support for research and collaboration with DoD facilities and personnel.											
Research. The research grants further knowledge in the basic physical scientific and engineering disciplines through theoretical and empirical activities. Collaborative research allows university professors to work directly with military laboratories or other universities.											
Section 242 of the FY 2009 Authorization Report directs the Secretary of Defense to carry out an independent assessment of the DoD-wide HBCU/MI Programs. The assessment is due no later than 12 months after the enactment of this Act (October 2009). The National Academy of Sciences will conduct the independent assessment.											

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APPROPRIATION/BUDGET ACTIVITY		R-1 ITEM NOMENCLATURE			
0400: Research, Development, Test & Evaluation, Defense-Wide		PE 0602228D8Z: Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)			
BA 2: Applied Research					
B. Program Change Summary (\$ in Millions)					
	FY 2009	FY 2010	FY 2011 Base	FY 2011 OCO	FY 2011 Total
Previous President's Budget	15.156	15.164	0.000	0.000	0.000
Current President's Budget	4.527	66.553	15.067	0.000	15.067
Total Adjustments	-10.629	51.389	15.067	0.000	15.067
• Congressional General Reductions		0.000			
• Congressional Directed Reductions		0.000			
• Congressional Rescissions	0.000	0.000			
• Congressional Adds		0.000			
• Congressional Directed Transfers		0.000			
• Reprogrammings	-0.415	0.000			
• SBIR/STTR Transfer	-1.157	0.000			
• Other Program Adjustments	-34.457	-0.543	15.067	0.000	15.067
• R&DFY09: Congressional Distributed	26.400	0.000	0.000	0.000	0.000
Actions					
• FY10 Congressional Add	0.000	51.932	0.000	0.000	0.000
• Departmental Adjustment to correct and balance administrative error in Prior year	-1.000	0.000	0.000	0.000	0.000
Congressional Add Details (\$ in Millions, and Includes General Reductions)					
Project: P489: Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)				FY 2009	FY 2010
Congressional Add: Morehouse College, John Hopps Program				0.827	0.000
Congressional Add: Defense Leadership and Technology Initiative				0.800	0.000
Congressional Add: Instrumentation Program for Tribal Colleges				2.400	0.000
Congressional Add Subtotals for Project: P489				4.027	0.000
Congressional Add Totals for all Projects				4.027	0.000

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<b>Exhibit R-2, RDT&amp;E Budget Item Justification:</b> PB 2011 Office of Secretary Of Defense		<b>DATE:</b> February 2010
<b>APPROPRIATION/BUDGET ACTIVITY</b> 0400: <i>Research, Development, Test &amp; Evaluation, Defense-Wide</i> BA 2: <i>Applied Research</i>		<b>R-1 ITEM NOMENCLATURE</b> PE 0602228D8Z: <i>Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)</i>
<p><b><u>Change Summary Explanation</u></b></p> <p>On December 8, 2009 we were advised by DOD OGC that the Department of Justice said we should go ahead with the new DOD HBCU/MI program enacted by Congress as Section 252 in the FY 2010 National Defense Authorization Act as it was implemented before it was enjoined in the Rothe court decision.</p> <p>The FY 2009 HBCU/MI Program received a congressional increase in the amount of \$20.000 million.</p> <p>On 11/4/08, the U.S. Court of Appeals for the Federal Circuit found 10 U.S.C. 2323 to be unconstitutional.</p> <ul style="list-style-type: none"> <li>- The case stems from a 1998 Air Force contract awarded to a minority owned firm despite another firm having bid lower. The other firm sued.</li> <li>- While the case relates specifically to a small business preference authorized by 10 U.S.C. 2323, the court's decision goes to 10 U.S.C. 2323 in its entirety, which also includes: <ul style="list-style-type: none"> <li>-A goal to award 5 percent of extramural DoD funding to small disadvantaged businesses, HBCUs and minority institutions (MI)</li> <li>-Authorities to provide infrastructure assistance to HBCU/MI—e.g., through undergrad, graduate, and postdoctoral education programs; DoD lab partnerships with institutions for student training purposes; and equipment or laboratory renovation for defense research.</li> </ul> </li> <li>- The court decision took effect December 26th unless DoJ/DoD ask for reconsideration or file an appeal, in which case the court likely would extend that date.</li> <li>- On February 26, 2009, in Rothe Development Corp. v. U.S. Department of Defense, et. al., No. SA-98-CA-1011-XR (W.D. TX), the court entered a final judgment granting Rothe's request for a complete injunction of the application of 10 U.S.C. 2323.</li> <li>- On March 10, 2009 the USD(AT&amp;L) signed a memorandum to all of DoD stating that "Accordingly, as preliminary guidance, effective February 26, 2009, any activity, which includes but is not limited to the award of contracts and orders under contracts, advance payments, and the award of grants or scholarships or the addition of funds to existing grants and scholarships, that rely exclusively on the authority of 10 U.S.C. 2323 should cease".</li> <li>- On June 18, 2009 the USD(AT&amp;L) signed a memorandum requesting information on all activities the DoD Components have relied on 10 U.S.C. 2323 as the sole authority.</li> <li>- The FY 2009 DoD HBCU/MI Program was on hold until DoD hears back from Congress and the DOJ on new legislation for the program to continue.</li> </ul>		

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<b>Exhibit R-2A, RDT&amp;E Project Justification:</b> PB 2011 Office of Secretary Of Defense								<b>DATE:</b> February 2010			
<b>APPROPRIATION/BUDGET ACTIVITY</b> 0400: <i>Research, Development, Test &amp; Evaluation, Defense-Wide</i> BA 2: <i>Applied Research</i>				<b>R-1 ITEM NOMENCLATURE</b> PE 0602228D8Z: <i>Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)</i>				<b>PROJECT</b> P489: <i>Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)</i>			
<b>COST (\$ in Millions)</b>	<b>FY 2009 Actual</b>	<b>FY 2010 Estimate</b>	<b>FY 2011 Base Estimate</b>	<b>FY 2011 OCO Estimate</b>	<b>FY 2011 Total Estimate</b>	<b>FY 2012 Estimate</b>	<b>FY 2013 Estimate</b>	<b>FY 2014 Estimate</b>	<b>FY 2015 Estimate</b>	<b>Cost To Complete</b>	<b>Total Cost</b>
P489: <i>Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)</i>	4.527	66.553	15.067	0.000	15.067	15.245	15.431	15.716	16.007	Continuing	Continuing
<p><b>Note</b></p> <p>The FY 2010 NDAA reauthorized the HBCU/MI Program. Meetings will take place with the PD, DDR&amp;E, the RD, and the PD, RD in discussing implementing the new provision. The initial step, developing a memorandum for Dr. Carter's signature that would (1) make the Components aware the new authority; (2) tie back to Mr. Young's cessation memo (March 10, 2009) and ask Components to indicate activities that they deferred based on that memo they may need to take in the near future using the new authority, e.g., incremental funding; and (3) indicate that a delegation memo and more detailed guidance will be forthcoming.</p> <p>The FY 2009 HBCU/MI Program received a congressional increase in the amount of \$20.000 million.</p> <p>On 11/4/08, the U.S. Court of Appeals for the Federal Circuit found 10 U.S.C. 2323 to be unconstitutional.</p> <ul style="list-style-type: none"> <li>- The case stems from a 1998 Air Force contract awarded to a minority owned firm despite another firm having bid lower. The other firm sued.</li> <li>- While the case relates specifically to a small business preference authorized by 10 U.S.C. 2323, the court's decision goes to 10 U.S.C. 2323 in its entirety, which also includes: <ul style="list-style-type: none"> <li>-A goal to award 5 percent of extramural DoD funding to small disadvantaged businesses, HBCUs and minority institutions (MI).</li> <li>-Authorities to provide infrastructure assistance to HBCU/MI—e.g., through undergrad, graduate, and postdoctoral education programs; DoD lab partnerships with institutions for student training purposes; and equipment or laboratory renovation for defense research.</li> </ul> </li> <li>- The court decision took effect December 26th unless DoJ/DoD ask for reconsideration or file an appeal, in which case the court likely would extend that date.</li> <li>- On February 26, 2009, in Rothe Development Corp. v. U.S. Department of Defense, et. al., No. SA-98-CA-1011-XR (W.D. TX), the court entered a final judgment granting Rothe's request for a complete injunction of the application of 10 U.S.C. 2323.</li> <li>- On March 10, 2009 the USD(AT&amp;L) signed a memorandum to all of DoD stating that "Accordingly, as preliminary guidance, effective February 26, 2009, any activity, which includes but is not limited to the award of contracts and orders under contracts, advance payments, and the award of grants or scholarships or the addition of funds to existing grants and scholarships, that rely exclusively on the authority of 10 U.S.C. 2323 should cease".</li> <li>- On June 18, 2009 the USD(AT&amp;L) signed a memorandum requesting information on all activities. DoD Components have relied on 10 U.S.C. 2323 as the sole authority.</li> <li>- The FY 2009 DoD HBCU/MI Program is on hold until DoD hears back from Congress and the DOJ on new legislation for the program to continue.</li> </ul>											

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<b>A. Mission Description and Budget Item Justification</b> The Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) program provides support for research and collaboration with DoD facilities and personnel.  The research grants further knowledge in the basic physical scientific and engineering disciplines through theoretical and empirical activities. Collaborative research allows university professors to work directly with military laboratories or other universities.  Section 242 of the FY 2009 Authorization Report directs the Secretary of Defense to carry out an independent assessment of the DoD-wide HBCU/MI Programs. The assessment is due no later than 12 months after the enactment this Act (October 2009). The National Academy of Sciences will conduct the independent assessment.  On December 8, 2009 we were advised by DOD OGC that the Department of Justice said we should go ahead with the new DOD HBCU/MI program enacted by Congress as Section 252 in the FY 2010 National Defense Authorization Act as it was implemented before it was enjoined in the Rothe court decision.						
<b>B. Accomplishments/Planned Program (\$ in Millions)</b>						
		FY 2009	FY 2010	FY 2011 Base	FY 2011 OCO	FY 2011 Total
Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)		0.500	66.553	15.067	0.000	15.067
The Historically Black Colleges and Universities and Minority Institutions (HBCU/MI) program provides support for research and collaboration with DoD facilities and personnel. The research grants further knowledge in the basic physical scientific and engineering disciplines through theoretical and empirical activities. Collaborative research allows university professors to work directly with military laboratories or other universities.						
FY 2009 Accomplishments: Continue evaluation and funding of research and education awards made with prior year funds. Execute new funding for grants and awards following legislative and executive policy and guidance when Congress directs. Conduct an assessment of the HBCU/MI Program. The assessment will be conducted by the National Academies of Science.						

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B. Accomplishments/Planned Program (\$ in Millions)						
		FY 2009	FY 2010	FY 2011 Base	FY 2011 OCO	FY 2011 Total
The FY 2009 Tribal Colleges and Universities congressional add for \$2.400 million competition will not be conducted due to the Rothe court decision.  Note: Actual Cost is 1.500, -1.000 is added in order to correct and balance Prior Year error.  FY 2010 Plans: Conduct BAAs and solicitations to execute funding for grants and awards following legislative and executive policy and guidance when Congress directs.  FY 2011 Base Plans: Execute as directed by Congress.						
Accomplishments/Planned Programs Subtotals		0.500	66.553	15.067	0.000	15.067
		FY 2009	FY 2010			
Congressional Add: Morehouse College, John Hopps Program  FY 2009 Accomplishments: The funds provide scholarships and a strong research curriculum, coupled with one-on-one mentoring, a summer internship program at top research institutions for students who major in the science, mathematics, and engineering fields. To date the John Hopps Defense Scholars program at Morehouse College currently supports 63 students. The first class of scholars will graduate in May 2010. Collaborations include, for example, DoD laboratories, Cornell University, MIT, Georgia Tech, Harvard, John Hopkins, University of Washington, NSFand NIH.		0.827	0.000			

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<b>B. Accomplishments/Planned Program (\$ in Millions)</b>		
	<b>FY 2009</b>	<b>FY 2010</b>
<i>FY 2010 Plans:</i> None		
Congressional Add: Defense Leadership and Technology Initiative  <i>FY 2009 Accomplishments:</i> The Thurgood Marshall College Fund continues to broaden their partnership with the DoD through this congressional add. The purpose of the grant is to strengthen technology infrastructure and training and program enhancements at HBCUs; provide internship research projects and encourage defense-related career preparation and training. The program impacts more than 50,000 students, faculty, researchers, and alumni as a national initiative. The goal is to support research studies at the HBCUs to increase and support the production of minority students in the STEM areas.  <i>FY 2010 Plans:</i> None	0.800	0.000
Congressional Add: Instrumentation Program for Tribal Colleges  <i>FY 2009 Accomplishments:</i> The FY 2009 Tribal Colleges and Universities congressional add for \$2.400 million will be competed under 10 U.S.C. 2361 (b)(1)(C).  <i>FY 2010 Plans:</i> None	2.400	0.000
Congressional Adds Subtotals	4.027	0.000

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<p><b><u>C. Other Program Funding Summary (\$ in Millions)</u></b> N/A</p> <p><b><u>D. Acquisition Strategy</u></b> N/A</p> <p><b><u>E. Performance Metrics</u></b> Since 2007, the following data is collected as a grant requirement: Percent of students graduating with undergraduate degrees in Science, Mathematics, Engineering, and Technology fields. Percent of students pursuing graduate and Ph.D. degrees. Number of undergraduate students achieving specified GPA average. Number of students participating in the Centers of Excellence for Research and Engineering. Number of students working in Defense Laboratories. This data will constitute the "Existing Baseline" for measurement and improvement in future years.</p>		

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